Landlord and Tenant—Liability of Landlord for Injuries from Fall of Sign Placed in Building by Tenant.—In Woodman *v.* Shephard, 130 N. E. 194 the Supreme Judicial Court of Massachusetts held that where a landlord permitted the negligent maintenance of a sign placed on the outside of the building by the lessee of a floor, he was liable for injuries to a pedestrian caused by the fall of the sign.

The court said in part:

"Although separate parts of the building had been leased to different tenants, the defendant had general supervision, the entire control of outside doors and the passageways, and of the outer walls where they did not adjoin leasehold interests. As to such parts of the building, the owner is responsible to third persons for damages caused by a defective condition of the wall negligently created or suffered by him to exist; he is also liable for negligence in permitting a sign to be so improperly attached or maintained upon that part of the outer walls that it is liable to and does fall; thus causing injury to a traveller exercising due care. Kirby *v.* Boylston Market Assn., 14 Gray, 249, 74 Am. Dec. 682; Milford *v.* Holbrook, 9 Allen, 17, 85 Am. Dec. 735; Gray *v.* Boston Gas Light Co., 114 Mass. 149, 19 Am. Rep. 324; Khron *v.* Brock, 144 Mass. 516, 11 N. E. 748; Rockport *v.* Rockport Granite Co., 177 Mass. 246, 255, 58 N. E. 1017, 51 L. R. A. 779; Ainsworth *v.* Lakin, 180 Mass. 397, 400, 62 N. E. 746, 57 L. R. A. 132, 91 Am. St. Rep. 314; Brewer *v.* Farnam, 208 Mass. 448, 94 N. E. 695, 50 L. R. A. (N. S.) 312; Marston *v.* Phipps, 209 Mass. 552, 95 N. E. 954. It was said in Gray *v.* Boston Gas Light Co., supra, at page 153 of 144 Mass. (19 Am. Rep. 324):

"'The owner of a building, under his control and in his occupation, is bound, as between himself and the public, to keep it in such proper and safe condition, that travelers on the highway shall not suffer injury. [Cases cited.] It is the duty of the owner to guard against the danger to which the public is thus exposed, and he is liable for the consequences of having neglected to do so, whether the unsafe condition was caused by himself or another. Coupland *v.* Hardingham, 3 Camp. 398. Nor can the owner protect himself from liability, because he did not in fact know that the building was unsafe; he is bound to exercise the proper care required under the circumstances of the case.'"

Robbery—Creditor's Assault for Purpose of Collecting Debt Not Assault with Intent to Rob.—In Barton *v.* State, 227 S. W. 317 the Texas Court of Criminal Appeals held that if defendant made an assault on the prosecuting witness solely for the purpose of obtaining money which defendant in good faith believed prosecuting witness owed him, he was not guilty of assault with intent to rob, though he used force or threats, which, in the absence of the claim of right in good faith made, would have amounted to such offense.

The court said in part: "The animo furandi is an element of robbery as it is of theft, and both in theft and robbery the taking of goods upon a bona fide claim of right may negative any intent to steal. Russell on Law of Crimes (7th Eng. Ed.) vol. 2, p. 1129; Bishop's New Criminal Law, vol. 2, § 1162a. This principle has been applied to the forcible retaking of specific property in this and other jurisdictions. Smedly *v.* State, 30 Tex. 215; Barnes *v.* State, 9 Tex. App. 128; Wolf *v.* State, 14 Tex. App. 210; Higgins *v.* State, 19 S. W. 503; Temple *v.* State, 215 S. W. 965; Glenn *v.* State, 49 Tex. Cr. R. 349, 92 S. W. 806, 13 Ann. Cas. 774; Smith *v.* State, 81 S. W. 712; Boles *v.* State, 58 Ark. 35, 22 S. W. 887; State *v.* Wasson, 126 Iowa, 320, 101 N. W. 1125; Tripplett *v.* Commonwealth, 122 Ky. 35, 91 S. W. 281; People *v.* Hughes, 11 Utah, 100, 39 Pac. 492; State *v.* Dengel, 24 Wash. 49, 63 Pac. 1104; Brown *v.* State, 28 Ark. 126; People *v.* Vice, 21 Cal. 344; Driscoll *v.* People, 47 Mich. 413, 11 N. W. 221; Young *v.* State, 34 Tex. Cr. R. 290, 30 S. W. 238.

"The judicial decisions are practically uniform that the same principle applies to the forcible collection of a debt. In Russell on Crimes, p. 1120, supra, it is said:

"'A creditor who assaults his debtor and compels him to pay his debt cannot be convicted of robbery.'

"In the English case of Reg. *v.* Hemmings, 4 F. & F. 50, the prisoner was indicted for robbery, and it was shown that the check or money forcibly obtained was owing to the prisoner by the prosecutor, and that the prisoner's motive was to collect his debt. He was held not guilty of robbery. Many decisions harmonizing with this view are found. State *v.* Hollyway, 41 Iowa, 200, 20 Am. Rep. 586; State *v.* Brown, 104 Mo. 365, 16 S. W. 406; Ohio *v.* Carmans, Tappan (Ohio) 65; Gables *v.* State, 68 S. W. 288; Crawford *v.* State, 90 Ga. 701, 17 S. E. 628, 35 Am. St. Rep. 242; McDaniel *v.* State, 8 Smedes & M. (Miss.) 401, 47 Am. Dec. 93. There are in the case of Fannin *v.* State, 51 Tex. Cr. R. 45, 100 S. W. 916, 10 L. R. A. (N. S.) 745, 123 Am. St. Rep. 874, expressions varying from the views stated, but they are out of harmony with the weight of authority, both English and American."

Workmen's Compensation Act—Heroic Act Not Arising Out of Employment.—The heroic act of a flagman, which cost him his life while attempting to rescue a child on the tracks of another road, running parallel with the one on which he was employed, was held not to arise out of his employment within the meaning of the Workmen's Compensation Act, by the New York Supreme Court, Appellate Division, Third Department, in Priglise *v.* Fonda, J. & G. R. Co., 183 New York Supplement, 414. The accident occurred when two school children were attempting to cross the railroad tracks. They were brothers, who, not heeding the warnings given, attempted